

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICARDO JOSE SUAREZ,

Petitioner,

v.

STATE OF OREGON,

Respondent.

6:13-cv-2222-SU

ORDER

MCSHANE, Judge:

Magistrate Judge Patricia Sullivan filed a Findings and Recommendation (ECF No. 6), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

Magistrate Judge Sullivan's Findings and Recommendation (ECF No. 6) is adopted in full. As noted in the recommendation, petitioner is not "in custody" for purposes of challenging the 2000 Burglary conviction. Therefore, the petition (ECF No. 1) is DENIED.

IT IS SO ORDERED.

DATED this 18th day of November, 2014.

_____/s/ Michael J. McShane_____
Michael J. McShane
United States District Judge